

JAN 08 2015

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TOMMY JOE WILLIAMS,)	
<i>Conservator of Michael Sprick,</i>)	
<i>An incapacitated individual,</i>)	Case No. 7:13-cv-00464
)	
v.)	By: Michael F. Urbanski
)	United States District Judge
OLD HB, INC., <u>et al.</u> ,)	
)	
Defendants.)	

ORDER

After conditionally approving the \$21,000,000 settlement of this personal injury case, the court referred the matter to United States Magistrate Judge Robert S. Ballou for proposed findings of fact and recommendations as to the appropriateness of the proposed attorney's fee award and costs. On December 31, 2014, the magistrate judge issued a report recommending that the court approve the one-third contingency fee sought by plaintiff's counsel and endorsed by Michael Sprick's sister and conservator, Alexandra Heidebruch, and award counsel their out-of-pocket expenses of \$165,952.91. The parties filed a response to the report and recommendation the same day, indicating that counsel for neither plaintiff nor defendants had any objection to the magistrate judge's report.

The court has carefully reviewed the magistrate judge's report and is satisfied that the contractually agreed upon one-third contingency fee is fair and reasonable given the extraordinary efforts undertaken by counsel to secure the best possible result for Michael Sprick in this case. As such, it is **ORDERED** as follows:

1. The magistrate judge's report and recommendation (Dkt. # 80) is **ADOPTED in its entirety**;

2. The \$7,000,000 in attorney's fees and \$165,952.91 in costs incurred by plaintiff's counsel are fair and reasonable and are hereby **APPROVED**;

3. The Clerk is **DIRECTED** to disburse the \$7,165,952.91 held pursuant to the court's December 22, 2014 Order (Dkt. # 76, at ¶ 4), as well as any accrued interest, as follows:

a. Michael Kernbach, Esquire:

i. Attorney's Fee: \$5,250,000.00

ii. Costs: \$68,372.01

b. Paul R. Thomson, III, Esquire:

i. Attorney's Fee: \$1,750,000.00

ii. Costs: \$97,580.90

It is **SO ORDERED**.

Entered: January 8, 2015

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge